



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Lorena Avila Hernandez Living Trust Case No. 07CEPR00102**Attorney Kruthers, Heather H (for Public Guardian – Trustee/Petitioner)****Fourth Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney; and Distribution**

DOD: 11/22/06		PUBLIC GUARDIAN , successor trustee, is Petitioner. Account period: 07/01/14 – 08/28/2015 Accounting - \$93,512.43 Beginning POH - \$93,489.97 Ending POH - \$80,702.37 Trustee - \$472.24 (2.5 staff hours @ \$76/hr. and 2.94 deputy hours @ \$96/hr.) Attorney - \$1,200.00 (less than statutory) Bond fee - \$235.34 (ok) Petitioner prays for a an Order: 1. Approving, allowing and settling the Fourth account. 2. Authorizing the administrator and attorney fees and commissions. 3. Payment of Bond fee.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted status hearings will be set as follows: • Thursday, 09/15/16 at 9:00a.m. in Dept. 303 for the filing of the fifth account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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		Reviewed by: LV Reviewed on: 10/15/2015 Updates: Recommendation: File 1 – Hernandez	

Third Account Current and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorney

Age: 76			PUBLIC GUARDIAN , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 09/18/13 – 08/24/15	Note: A status hearing will be set as follows:
			Accounting: \$272,661.35	
Cont. from			Beginning POH: \$180,095.69	<ul style="list-style-type: none"> Thursday, October 26, 2017 at 9:00am in Dept. 303 for filing of the Fourth Account.
	Aff.Sub.Wit.		Ending POH: \$187,944.83	
<input checked="" type="checkbox"/>	Verified		Conservator: \$1,476.72 (10.5 staff hours @ \$76/hr. and 7.07 deputy hours @ \$96/hr.)	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.
	Inventory		Attorney: \$1,250.00 (less than allowed per Local Rule)	
	PTC		Bond Fee: \$1,060.16 (ok)	
	Not.Cred.		Costs: \$26.00 (certified copies)	
<input checked="" type="checkbox"/>	Notice of Hrg		Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Aff.Mail	w/	1. Approving, allowing and settling the third account;	
	Aff.Pub.		2. Authorizing the conservator and attorney fees and commissions;	
	Sp.Ntc.		3. Authorizing payment of the bond fee and costs.	
	Pers.Serv.		Court Investigator Jennifer Daniel filed a report on 05/12/15.	
	Conf. Screen			
	Letters			Reviewed by: JF
	Duties/Supp			Reviewed on: 10/15/15
	Objections			Updates:
	Video Receipt			Recommendation:
<input checked="" type="checkbox"/>	CI Report			File 2 – Campbell
<input checked="" type="checkbox"/>	2620(c)			
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	FTB Notice			

First and Final Report of Administrator on Waiver of Account and Petition for Final Distribution

DOD: 03/22/10		JOE GARCIA, II, Administrator, is Petitioner. Accounting is waived. I & A - \$120,000.00 POH - \$120,000.00 (no cash) Administrator - waived Attorney - waived Distribution, pursuant to intestate succession, and the disclaimer/assignment of Joe Garcia, Sr., is to: Joe Garcia, II - 1/3 interest in real property as tenant in common Crystal Garcia - 1/3 interest in real property as tenant in common Fernando Garcia - 1/3 interest in real property as tenant in common	NEEDS/PROBLEMS/COMMENTS: 1. The court will not order distribution of real property in undivided interests absent the written consent of all distributees. (Local Rules 7.12.4A) Need consents from Joe Garcia, II, Crystal Garcia and Fernando Garcia. 2. Petitioner opened this matter with a fee waiver; filing fees are a cost of administration. Petitioner and others are receiving property from the estate, therefore filing fees are due as follows: <ul style="list-style-type: none"> Petition for Probate, filed 02/07/12 - \$395.00 Petition to Approve Settlement Agreement, filed 09/09/14 - \$435.00 Petition for Final Distribution, filed 09/11/15 - \$435.00 Total filing fees due: \$1,265.00
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	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
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	Citation		
✓	FTB Notice		

Reviewed by: JF	
Reviewed on: 10/15/15	
Updates:	
Recommendation:	
File 3 - Garcia	

Attorney: Michael J. Morris (for Petitioner Brandenburger & Davis)

Attorney: Jeffrey L. Wall (for Successor Administrator Gloria Hagopian)

Petition to Determine Heirship and Assignment of Partial Interest in Estate

DOD: 12/6/11		<p>BRANDENBURGER & DAVIS, an heir search company and assignee of a portion of the interests of the paternal intestate heirs, is petitioner.</p> <p>Petitioner states at the time of her death, Cheryl Smart was a widow and had no children.</p> <p>Petitioner is informed and believes that Decedent died intestate.</p> <p>Petitioner states Decedent was the daughter of Paul Pap and Delores Milano (copy of decedent's birth certificate is attached to the petition).</p> <p>Petitioner states the Decedent's father, Paul Papa, apparently split from the Decedent's mother, after which he returned to Louisiana, where he married Jesse May Papa and had a son. The son, Daryl Jesse Papa died without issue. The Decedent had no other siblings.</p> <p>The Decedent's father had four siblings all of whom predeceased the Decedent, leaving issue, as outlined in the petition.</p> <p>Petitioner contends that the Decedent's estate should be divided into 10 equal shares to be divided proportionally between the surviving paternal first cousins and the issue of the predeceased paternal first cousins.</p> <p>Petitioner alleges the Paternal Heirs are entitled to inherit the entire estate to the exclusion of the maternal cousins. Petitioner alleges that all of the siblings of Decedent's mother died without issue so the closest maternal heirs of the Decedent are second cousins or more remote heirs.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 091015			
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		<p>Reviewed by: KT</p> <p>Reviewed on: 10/16/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Smart</p>	

Wherefore Petitioner prays for an order that the Court determine:

1. That each of the following individuals is entitled to a 10% share of the net distributable assets of the Decedent's estate as first cousins of the Decedent: Mary Cordaro Bonono, Antoinette Cordaro Lucero, John Joseph Cordaro, Jeanne M. Cecola, Russel Anthony Cecola, Antoinette Paula Johnson, Josephine Marie Tuminello Allee.
2. That Phillip Joseph Cecola, Jr., paternal cousin once removed, is entitled to a 10% share of the net distributable assets of the Decedent's estate through his deceased father.
3. That Raymond McFerrin, Theresa McFerrin and Mark Anthony McFerrin, first cousins once removed of the Decedent are each entitled to a 3.33% share of the distributable assets of the Decedent's estate through their predeceased father.
4. That John C. Cordaro, Joseph Allen Cordaro, Michael Anthony Cordaro, Emile Braden Cordaro, Kathy Elena Shafer and July Cordaro Aillet, first cousins once removed of the Decedent are each entitled to a 1.666% share of the distributable assets of the Decedent's estate through their predeceased mother.
5. That Petitioner is entitled to receive 1/3 of the assets distributable to each of the Paternal Heirs pursuant to written assignments.

Objections to Petition to Determine Heirship filed by Successor Administrator Gloria Hagopian on 9/3/15.

Objector states the Heirship Petition alleges that the Decedent was the daughter of Paul Papa and Dolores Milano. That allegation is false as shown by the facts set forth below.

Delores Hagopian states she is the first cousin of Dolores, the predeceased mother of Cheryl Smart. Ms. Hagopian states when she was a young girl, she, along with her sisters were frequently in the home of Dolores and her parents during the 1940s. She personally observed that Dolores was very much in love with a serviceman named "Bill". She never knew Bill's last name. Ms. Hagopian states she saw Dolores and Bill in amorous situations in her parent's living room, and Dolores talked about her love for Bill frequently. While this relationship was ongoing, Dolores became pregnant with Cheryl. It was evident to her, and a logical conclusion, that Bill was the father of Cheryl. Cheryl was still *in utero* when Bill died.

When Dolores was still pregnant with Cheryl, and after Bill died, she stated dating Paul, who was also a serviceman. Ms. Hagopian states she remembers that Paul and Dolores never lived together.

Cheryl was born in 1945. Cheryl was initially Cheryl Papa. Ms. Hagopian states she remembers Dolores saying she wanted Cheryl to have a last name other than Milano, but Dolores also said Cheryl was not Paul's child.

Ms. Hagopain states Dolores stated in her presence that Paul proposed marriage to Dolores and wanted her to go with him to Louisiana. Dolores said she rejected the proposal, because she said she wanted to stay in Fresno. Very shortly after that, Paul returned to Louisiana and Ms. Hagopian never saw him again. Dolores said Paul got married in Louisiana and started a family there.

Please see additional page

Objections continued:

Dolores told Ms. Hagopian that she had to get a job to support herself and Cheryl, because Paul did not provide any support for Cheryl. It is her recollection that Paul never acted as if he were the father of Cheryl.

Ms. Hagopian further recalls that after Paul left the Fresno area, Dolores changed Cheryl's name to Pope, because she said she did not want Cheryl to have Paul's name any more.

Ms. Hagopian states she has no recollection and does not believe that a ceremony of marriage ever took place between Dolores and Paul. Dolores to Ms. Hagopian's recollection never used Papa as a surname.

Wherefore, Gloria Hagopian, as Successor Administrator of the estate and as Objector in this proceeding, prays that this Court order:

1. That Paul Papa was not the father of Decedent.
2. That neither Brandenburger & Davis, nor any of the relatives of Paul Papa, are entitled to any share of the Estate of Cheryl Ann Smart, Deceased.

Points and Authorities in Support of Objection filed on 9/3/15.

Request for Judicial Notice filed 9/9/15. Objector requests the Court take Judicial Notice of:

1. The Standard Certificate of Marriage of Paul Papa and Delores Milano certifying marriage on October 28, 1944 issued by the County of Fresno, California. (Exhibit A)
2. The Certificate of Live Birth of Cheryl Ann Papa, nee Milano on June 10, 1945 issued by the County of Fresno, California. (Exhibit B)
3. The Interlocutory Decree of Divorce entered by the Superior Court of California, County of Fresno, in the dissolution of marriage between Dolores Papa and Paul Papa awarding physical custody of Cheryl Ann Papa and child support to Dolores Papa on January 20, 1947. (Exhibit C)

Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15. The single point raised in the objection to this Petition is that Paul Papa and Dolores Milano were not married and, therefore, there is no presumption that Paul Papa was the father of the decedent, Cheryl A. Smart. Paul Papa and Dolores Milano were married in Fresno, California on October 28, 1944. Pursuant to Family Code §7611, Cheryl A. Smart, nee Papa, is presumed to be the child of Paul Papa.

The evidence is both clear and consistent that Paul Papa was the father of Cheryl A. Smart, nee Papa.

Please see additional page

Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15 (cont):

The Declaration of Gloria Hagopian is not persuasive for several reasons:

- a. The statement attributed to the decedent's mother, Dolores, are hearsay and do not qualify as an exception to the hearsay rule.
- b. The statements of Ms. Hagopian regarding the relationship between Dolores and "Bill" lack credibility in light of the fact that Paul and Dolores were married more than 8 months before Cheryl was born. In its best light, the recollection of events that occurred 70 years ago when Ms. Hagopian was 10 years old. Clearly Dolores was not pregnant by "Bill" before his death and then began dating Paul, since Paul and Dolores were married more than 8 months before Cheryl was born. Dolores may not have even known she was pregnant when she married Paul.
- c. Paul and Dolores divorced in 1947. Paragraph 3 of the divorce decree refers to Cheryl as a child of the marriage and provides for the payment of support. Reference to the Court file shows that contrary to the declaration of Ms. Hagopian, Paul Papa did pay child support for Cheryl including a lump sum in 1957 to catch up back support due.
- d. When Cheryl died, Ms. Hagopian was the informant on Cheryl's death certificate. She listed Paul Pope as Cheryl's father. With the passage of time she may have forgotten Cheryl's father was Paul Papa and not Paul Pope.

Wherefore, the Petitioner prays for the order requested in the Petition to Determine Heirship filed.

Petitioner Palacios, Shannalee (Pro Per – Mother)

Attorney Kirkland, Alexia (for Katie Cipolla – Objector)

Petition for Visitation

Age: 5 years		SHANNALEE PALACIOS, mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		<u>Please see petition for details</u>	<p>Minute Order of 09/24/2015: The Court orders the Court Investigator to interview Shannalee Palacios and Katie Cipolla, as well as whomever is residing in the households of both, and make a recommendation to the Court with regard to the request for visitation made by Ms. Palacios.</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation for:</p> <ul style="list-style-type: none"> • Martin Mendoza (Father) <p>Note: Declaration of Due Diligence filed 09/17/2015 states petitioner went to father's last known address and spoke to his mother and sister. They do not know his current whereabouts however they do believe he is in Mexico.</p> <p>2. Notice of Hearing filed 09/17/2015 indicates the father, Martin Mendoza, was served by mail c/o Nena Mendoza. Service must be directly to the individual and cannot be in c/o another individual.</p>	
Cont. from 082715, 092415				
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			Reviewed by: LV	
			Reviewed on: 10/15/2015	
			Updates:	
			Recommendation:	
			File 5 – Wilson	

Petition for Settlement of Account and Approval of Trustee and Attorney Fees

		H.F. RICK LEAS , Trustee with bond of \$500,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 01/01/14 - 12/31/14	
		Accounting: \$520,619.16	Note: Petitioner states that David and Arlene Liles serve as Guardian Ad Litem for Raven Nicole Bailey, however, the Examiner was unable to locate an order appointing them as such in this matter. They were appointed as Co-Guardians of the Person of Raven on 12/10/07 in case no. 07CEPR01023.
		Beginning POH: \$482,065.11	
Cont. from		Ending POH: \$362,313.75	Note: Raven Nicole Bailey turned 18 on 08/12/97, therefore, by operation of law, the guardianship of her person terminated on 08/12/15 (after the end of the account period).
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		<p>Petitioner states the trustee and attorneys are entitled to reasonable compensation from the trust for their respective services during the account period, and that the following sums that have already been paid are reasonable compensation:</p> <p>Trustee - \$1,489.50 Attorney - \$1,476.25</p> <p>Petitioner requests the Court authorize additional attorney's fees and costs in connection with this petition of \$2,818.50 as itemized in Exhibit C.</p> <p>Petitioner states: This account to the Court is not required but elective. The petition is reasonably necessary for the protection of the interests of both Petitioner and a beneficiary. During the period of this account, the Trustee has made discretionary distributions of principal to Raven Nicole Bailey, a minor, and without Court approval of this account, the Trustee would be required to hold back substantial funds from distribution to the beneficiaries in order to cover potential costs of litigating any claims made during the approximately three years statute of limitations under Probate Code § 16460(a) and additional two years under CCP § 352.1 (a). Therefore, by means of this Petition, Trustee seeks timely determination of all matters presented in this Account so that the beneficiaries may receive ongoing and future distributions without lengthy delay.</p> <p>Continued on Page 2</p>
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			Reviewed by: JF
			Reviewed on: 10/16/15
			Updates:
			Recommendation:
			File 6 – Bailey

On 02/17/15, this Court heard and approved Petitioner's Petition for (1) Settlement of Account; (2) Approval of Trustee's Fees; (3) Attorney's Fees for the period from January 1, 2013 to May 13, 2013, when Petitioner was appointed Trustee, and May 14, 2013 to December 31, 2013.

In the 2013 Account, this Court approved the Trustee's denial of the requests of Brandon Michael Bailey for mandatory and discretionary distributions under Article Sixth Section 6.02 C. 1. of the Trust. In the 2014 Account, the Trustee has continue to receive requests from Brandon Michael Bailey for such distributions and has denied them on the same grounds as the 2013 Account – that the twelve month term for mandatory distribution has expired and that Brandon Michael Bailey remains incarcerated, is not and has not been “employed” within the meaning of the Trust and that such distributions are subject to Trustee's discretionary authority.

The present beneficiaries as to Trust income and principal are BRANDON MICHAEL BAILEY, Decedent's son, and RAVEN NICOLE BAILEY, Decedent's granddaughter (Brandon Michael Bailey's daughter) whose interests continue until Trust termination.

RAVEN NICOLE BAILEY is a minor. David Liles and Arlene Liles have been appointed as Guardians of the Person and of RAVEN NICOLE BAILEY (case No. 07CEPR01023). Petitioner states that David Liles and Arlene Liles also serve as Guardian Ad Litem for Raven.

No present beneficiary has a right to withdraw property from the trust. No present beneficiary is the holder of a presently exercisable general power of appointment. Probate Codes § 15803 and 15804(a)(1) do not apply.

RAVEN NICOLE BAILEY is the sole residuary beneficiary of the Trust and the Trust shall terminate on 12/07/20. If RAVEN NICOLE BAILEY is not then living, the Trust would be distributed to her then living children, by right of representation, RAVEN NICOLE BAILEY has no children of her own at this time. If RAVEN NICOLE BAILEY is not then living and had no living children, the Trust would be distributed to the Decedent's issue, which, if he is then living, would be BRANDON MICHAEL BAILEY, or if not, then to his then living children. The Trustee has no knowledge of any other children of BRANDON MICHAEL BAILEY at this time.

Petitioner requests Order of this Court finding that:

1. All facts stated in the petition are true and that all notices required by law have been duly given.
2. The Court has received disclosure regarding the relationship between BRANDON MICHAEL BAILEY and RAVEN NICOLE BAILEY, and each beneficiary of the Trust who is a minor;
3. The Court has received full disclosure regarding the relationship between David Liles and Arlene Liles, Guardians of the Person and Guardians ad Litem and RAVEN NICOLE BAILEY, with regard to the Petition and there is no conflict of interest;
4. This account and report be settled, allowed and approved, and all acts and transactions of Petitioner set forth in it be ratified, confirmed and approved;
5. Petitioner and the attorneys for Petitioner be allowed the requested compensation for their services.
6. Such other and further orders as the Court may deem proper under the circumstances.

DOD: 11/26/12	BETTY PHILLIPS and ROSE LEE LITTLE, sisters, were appointed Co-Executors with full IAEA and without bond on 06/11/13. Letters Testamentary were issued on 06/11/13.	NEEDS/PROBLEMS/COMMENTS:
		<u>CONTINUED FROM 09/24/15</u> Minute Order from 09/24/15 states: The default in 14CEGG02269 is still being processed; case management has continued the matter to 12/14/15.
Cont. from 080814, 102314 , 012115, 042215, 062415, 070915, 092415	Inventory & Appraisal, partial no. 1, filed 02/13/14 - \$615,000.00	As of 10/15/15, nothing further has been filed in this matter.
Aff.Sub.Wit.	Inventory & Appraisal, final, filed 07/17/14 - \$63,096.95	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 10/16/15 states: a request for default judgment against Karlie Steinhauer and Jamie Rust, defendants in the civil action Phillips and Little vs. Steinhauer and Rust was filed on 05/26/15. A judgment against Steinhauer and Rust is necessary for inclusion as an asset of this Estate. As of 10/16/15, Petitioner is still waiting for a Judgment to be entered by the Court. The Judgment is in excess of \$56,000.00. Upon entry of the judgment against Steinhauer and Rust, it is believed that the estate will be in a condition to be closed.	1. Need Account/Report on Waiver of Account and Petition for Final Distribution <u>and/or</u> current written status report.
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FTB Notice		
		Reviewed by: JF
		Reviewed on: 10/15/15
		Updates:
		Recommendation:
		File 7 – Kiramidjian

Attorney Lawson K. Renge (for Petitioner Betty A. Pate, Executor)

First and Final Account and Report of Administration and Petition for Final Settlement and Distribution; Accounting Waived

DOD: 4/4/2013		BETTY A. PATE , daughter and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A — \$644,428.38	<p>1. Pursuant to Local Rule 7.12.4, the Court will not order distribution of personal property, such as the installment note and vehicle, in undivided interests without the written consent of all distributees. Petitioner has not filed with the Court consent from each beneficiary regarding the proposed distribution in undivided interests as specified in the <i>Petition</i>. Need signed consents to distribution in undivided interests from the following distributees:</p> <ul style="list-style-type: none"> • JIMMY E. SELZER; • BETTY A. PATE. <p>2. Paragraph 22 of the <i>Petition</i> states the estate real property was sold, and lists \$83,672.41 as net proceeds of sale, but does not state the real property sales price, which is required information for the purpose of calculating the statutory fee pursuant to Probate Code § 10800(b), which uses the total amount of the appraisal value of the property in the inventory, <u>plus gains over the appraisal value on sales</u>, plus receipts, <u>less losses from the appraisal value on sales</u>. Need real property sales price in order to show any gain or loss on sale and to confirm the correct statutory fee calculation.</p>
✓	Aff.Sub.Wit.	POH — \$493,100.79 (\$83,672.41 is cash)	
✓	Verified		
✓	Inventory	Executor — [\$15,888.57?] (statutory)	
✓	PTC		
✓	Not.Cred.	Attorney — [\$15,888.57?] (statutory)	
✓	Notice of Hrg		
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	Letters 080213	Distribution pursuant to Decedent's Will is to:	
	Duties/Supp	JIMMY E. SELZER – \$25,947.64 cash, an undivided ½ interest in Installment Note, and 1 an undivided ½ interest in truck.	
	Objections	BETTY A. PATE – \$25,947.64 cash, an undivided ½ interest in Installment Note, and 1 an undivided ½ interest in truck.	
	Video Receipt		
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			Reviewed by: LEG
			Reviewed on: 10/15/15
			Updates:
			Recommendation:
			File 8 – Guidi

Attorney

LeVan, Nancy J. (for Julie Castillo and Connie Martinez – Petitioners)

Attorney

Kruthers, Heather H. (for Public Guardian – Conservator)

Attorney

Janisse, Ryan M. (Court appointed attorney for Conservatee)

**Petition for Reimbursement to Julie Castillo and Connie Martinez for Attorney Fees
Already Paid and Payment of Attorneys Fees for Nancy J. LeVan, Attorney for Julie
Castillo and Connie Martinez from the Conservatorship Estate**

			<p>JULIE CASTILLO and CONNIE MARTINEZ, Daughters, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center"><u>SEE PAGE 3</u></p>
			<p>FRESNO COUNTY PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 4/2/15.</p>	
	Aff.Sub.Wit.		<p>Petitioners state they are requesting reimbursement for attorneys fees that they have paid attorneys who have represented them in their attempts to protect their mother and her estate and to file for appointment as conservators. Their petition was objected to by Joseph Reyna and Stan Teixeira as court appointed attorney for Rosie Reyna.</p>	
✓	Verified			
	Inventory		<p>Petitioners state their actions were for the benefit of the Conservatee and her estate and were taken to prevent Joseph Reyna from abusing Rosie Reyna and to protect her from isolation and to protect her assets.</p>	
	PTC			
	Not.Cred.		<p>Petitioners were originally represented by Attorneys Jennifer Walters and Lisa Horton of Walters and Moshrefi. Their petition for temporary conservatorship was denied, and the parties agreed to mediation, but Joseph Reyna did not follow through with the agreement reached in mediation. In July 2014, Petitioner asked if Attorney Nancy LeVan would take the case over because they were paying Walters and Moshrefi a large amount in fees and didn't feel anything was being accomplished. Ms. LeVan substituted in on 7/23/14.</p>	
✓	Notice of Hrg			
✓	Aff.Mail	W	<p>Attached are statements from Walters and Moshrefi which total \$13,839.66. This bill has been paid in full by Petitioners.</p>	
	Aff.Pub.			
	Sp.Ntc.		<p>Petitioners state that after Attorney LeVan substituted in, settlement was continued because Mr. Teixeira still objected to establishment of a conservatorship. Finally agreement was reached and recited in Court on 9/16/14. The Public Guardian was appointed as Conservator of the Estate only and Letters issued 9/17/14.</p>	
	Pers.Serv.			
	Conf. Screen		<p align="center"><u>SEE PAGE 2</u></p>	
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc

Reviewed on:
10/16/15

Updates:

Recommendation:

File 9 – Reyna

Page 2

Petitioners state Attorney LeVan prepared the settlement agreement after many emails to Attorney Teixeira confirming and editing the terms. Julie and Connie signed the agreement 11/6/14 and the agreement was forwarded to Mr. Teixeira for his and Rosie's signatures; however, those signatures were never received. Mr. Teixeira filed a motion to be relieved as counsel and was relieved as counsel on 2/25/15.

On 5/5/15, the Public Guardian was appointed permanent conservator of the person and estate, and was also appointed successor trustee of the Rosie Reyna Revocable Trust. Rosie was moved into Julie Castillo's home and resides there to this date. Joseph Reyna has vandalized Rosie's home and refuses to move out. An unlawful detainer action has been brought by the PG to remove Joseph from Rosie's home so that Rosie can once again occupy her own home.

Petitioners state their actions have brought benefits to the Conservatee and the conservatorship. In order to accomplish protection of the Conservatee, Petitioners had to hire attorneys to represent them for the initial conservatorship, the mediation, the settlement conferences and discussions, and for finally having the PG appointed as conservator of the person and estate.

Petitioners have paid **\$13,839.66** to Walters and Moshrefi and **\$6,429.08** to Attorney Nancy J. LeVan, with a remaining balance of **\$1,504.08**, not including filing fees, mediation fees, and costs. The total hours expended by attorneys on Petitioners' behalf to protect their mother and her assets is 65.4 hours. The Conservatee could not fight for herself or her estate when Joseph Reyna was not acting in her best interest. If they had not acted, her main source of income and property would have been destroyed.

Attached are billing statements from attorneys Walters and Moshrefi and Nancy LeVan.

Petitioners pray for an order:

1. **Authorizing the Conservator of the Estate to reimburse Petitioners \$13,839.66 for fees paid for services provided by Walters and Moshrefi;**
2. **Authorizing the Conservator of the Estate to reimburse Petitioners for \$6,429.08 for attorney fees paid to Nancy LeVan; and**
3. **Authorizing the Conservator of the Estate to pay Nancy LeVan \$1,540.50 attorney fees incurred that have not yet been paid.**

(Total amount requested: \$21,809.24)

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS:

1. Notice of Hearing was only served on Deputy County Counsel Heather Kruthers, but was not served directly on the Public Guardian as Conservator or served directly on the Conservatee or her court-appointed attorney. See Probate Code §1214 and Cal. Rule of Court 7.51. Continuance may be required for proper notice.
2. Examiner notes that the agreement referred to in this petition, as filed attached to a Status Report on 1/14/15, indicates that Petitioners will not seek reimbursement for their attorney's fees and costs from the conservatorship estate. The Court may require clarification.
3. The attached billing statements from Walters and Moshrefi include charges that are considered by the Court to be costs of doing business and not reimbursable, such as travel to and from court, mileage, parking fees, and review of Examiner's Notes totaling \$313.36. The Court may disallow this amount.
4. Petitioners request a total amount of \$21,809.24 in attorney fees and costs for the establishment of the conservatorship. The Court may require clarification with reference to Probate Code §2640 as to the reasonableness of this amount, given the size of the conservatorship estate. Final Appraisal filed 3/26/15 indicates \$51,233.83 cash plus a vehicle and misc. personal property. The file indicates that the Conservatee does own a home; however, it is held in a trust (separate from the conservatorship estate), and the petition indicates that there may be other litigation (unlawful detainer action) involving that asset.

**First Account Current and Report of Conservator and Petition for
Allowance of Compensation to Conservator and Attorney**

		PUBLIC GUARDIAN, Conservator, is petitioner. Please see petition for details. Court Investigator Report filed on 9/10/15	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, October 4, 2017 at 9:00 a.m. in Department 303, for the filing of the second account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	2620 (c)			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 10/16/15	
			Updates:	
			Recommendation:	
			File 10 – Rousseau	

DOD: 7/2/02		ELGERON GRAVES , Son, was appointed Administrator with Limited IAEA without bond and Letters issued on 4/15/15.
Cont. from 061915		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		At the hearing on 4/15/15, the Court set this status hearing for the filing of the first account or petition for final distribution.
Notice of Hrg		Inventory and Appraisal filed 8/22/14 indicates real property located at 6 E. Eden Avenue in Fresno valued at \$135,000.00.
Aff.Mail		Substitution of Attorney filed 6/18/15 indicates the Administrator is now represented by Attorney Gary Bagdasarian.
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		Status Report filed 6/18/15 by Attorney Bagdasarian states the Administrator has not notified the Dept. of Health Care Services in connection with a creditor's claim that they may have the opportunity to file upon. Pursuant to §9202(a), DHS has four months after notice is given to file a claim. A four-month continuance is therefore requested.
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Minute Order 6/19/15: Mr. Bagdasarian informs the court that he just subbed into the case. The Court orders that Elgeron Graves may not take out a loan that was previously requested. If accounting is filed 2 days before status hearing, it may come off calendar.
Background: Notice of Proposed Action filed 5/30/14 states the Administrator (self-represented at the time) "requests permission" to secure a loan by encumbrance on the estate real property not to exceed \$60,000.00 and will be used to pay delinquent property taxes, home repairs, and repayment of loan payments that will be needed until finalization of probate (12 months of loan payments plus the cost of the loan).
Examiner Notes noted that the form "Notice of Proposed Action," is not the correct procedure to request permission of the court for a transaction, as it does not generate a hearing date or response from the Court. As such, its filing does not constitute a petition for authorization to borrow on behalf of the estate as required by Probate Code §9800. Further, Administrator was granted only limited authority under the IAEA.
Update: Since the last hearing, notice of administration has been given to DHS and to the Franchise Tax Board. However, a Creditor's Claim has now been filed by the Fresno County Tax Collector.
1. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule 7.5.
Reviewed by: skc
Reviewed on: 10/16/15
Updates:
Recommendation:
File 11 - Graves

DOD: 06/08/2014	JOYCE YAMAGUCHI , was appointed Executor with full IAEA without bond on 07/30/2015.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order of 09/30/2015: Pending litigation is set for 10/22/2015.
Cont. from 093015	Letters issued 08/01/2014	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.	Inventory and Appraisal filed 09/04/2014 shows an estate valued at \$643,027.66.	
Verified		
Inventory		
PTC	Minute Order of 07/30/2015 set this Status Hearing for filing of the First Account and/or Petition for Final Distribution.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/16/2015
		Updates:
		Recommendation:
		File 12B – Yoshioka

13 Homer Byron Trice, Jr. (Estate) Case No. 14CEPR00628

Attorney Teixeira, J. Stanley (for Robert W. Trice – Executor)

Probate Status Hearing Re: Filing First Accounting

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>Order on First and Final</u> <u>Account filed 09/29/2015.</u>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/15/2015
		Updates:
		Recommendation:
		File 13 – Trice

15 Guillermina Conde (CONS/E) Case No. 15CEPR00307

Petitioner Jackson, Martha (Pro Per – Conservator)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

	MARTHA JACKSON , Daughter, was appointed Conservator of the Estate only, without bond and all funds to be placed in a blocked account, on 06/30/2015.	NEEDS/PROBLEMS/COMMENTS: 1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Letters issued on 07/02/2015.	
	Notice of Status of Hearing for the filing of the Inventory and Appraisal was filed on 07/31/2015 and set this status hearing.	
	Notice of Status of Hearing was mailed to Martha Jackson on 07/31/2015.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/15/2015
		Updates:
		Recommendation:
		File 15 – Conde

Petitioner

Ferguson, Anita Marie (Pro Per – Fiancee – Petitioner)

Petition for Probate of Will and for Letters Testamentary; Authorization to

Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/25/14		ANITA MARIE FERGUSON, named executor without bond, is Petitioner. Full IAEA – ok Will dated 3/14/04 Residence: Fresno Publication: Fresno Bee Estimated value of estate: Personal property: \$8,000.00 Real property: \$31,000.00 (\$55,000.00 encumbered for \$24,000.00) Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 5/7/15, 6/18/15, 8/13/15, 9/24/15. The following issue remains noted:</u> 1. Need Notice of Petition to Administer Estate and proof of service pursuant to Probate Code §8110 on: - Anne Todd Cortez (sister) Note: This case was opened with a fee waiver. Please note that upon distribution, all Court filing fees will be due. Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Thursday, March 19, 2016 for the filing of the Inventory and Appraisal; an Thursday, January 5, 2017 for the filing of the first account or petition for final distribution. If the proper items are on file per Local Rule 7.5, the status hearings may come off calendar.	
Cont from 050715, 061815, 081315, 092415				
✓	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 10/16/15				
Updates:				
Recommendation:				
File 16 - Flemming				

DOD: 04/23/2015	JAMES MORSE , son, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Attachment 11 does not provide the decedent's interest in the real property. 2. Need Order.
	40 days since DOD	
	No other proceedings	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I&A - \$111,000.00	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Petitioner requests Court	
<input type="checkbox"/> Not.Cred.	determination that decedent's interest	
<input checked="" type="checkbox"/> Notice of Hrg	in real property located at 2323 Erie	
<input checked="" type="checkbox"/> Aff.Mail	St., Caruthers, Ca. pass to James	
	Morse pursuant to intestate	
	succession.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/15/2015
		Updates:
		Recommendation:
		File 18 – Crawford

Attorney Lyon, Paul J. (for Richard Elensky and Brenda Elensky – parents/Petitioners)

Petition for Appointment of Probate Conservator

Age: 18		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		RICHARD ELENSKY and		Court Investigator advised rights on 09/25/15	
		BRENDA ELENSKY, parents, are		Voting rights affected, need minute order.	
		Petitioners and request		1. Dr. Hernandez checked box 7(b) on the	
		appointment as co-		Capacity Declaration stating that the	
		conservators of the person		proposed conservatee lacks capacity to	
Cont. from		with medical consent powers.		make medical decisions, but did not initial	
	Aff.Sub.Wit.		Voting rights affected.	where necessary. Need revised Capacity	
✓	Verified		Petitioners state: [see file for	Declaration with the doctor's initials at	
	Inventory		details]	item 7(b).	
	PTC		Court Investigator Charlotte	2. The proposed relatives listed at item 11 of	
	Not.Cred.		Bien filed a report on	the Petition does not include	
✓	Notice of Hrg		10/01/15.	grandparents, which are relatives within	
✓	Aff.Mail	w/		the second degree and entitled to notice.	
	Aff.Pub.			If grandparents are deceased, their name	
	Sp.Ntc.			and date of death should be listed. (Local	
✓	Pers.Serv.	w/		Rule 7.1.1D).	
✓	Conf. Screen			3. If there are any living grandparents, need	
✓	Letters			proof of service by mail at least 15 days	
✓	Duties/Supp			before the hearing of Notice of Hearing	
	Objections			with a copy of the <i>Petition for</i>	
	Video Receipt	x		<i>Appointment of Probate Conservator</i> <u>or</u>	
✓	CI Report			Consent & Waiver of Notice <u>or</u>	
	9202			Declaration of Due Diligence for each	
✓	Order			living grandparent.	
	Aff. Posting			4. Petitioner is a client of CVRC, therefore	
	Status Rpt			need proof of service at least 30 days	
	UCCJEA			before the hearing of Notice of Hearing	
✓	Citation			with a copy of the Petition on CVRC.	
	FTB Notice			(Probate Code § 1822(e).	
				5. Need receipt for watching	
				conservatorship video.	
				6. Proofs of service filed 10/16/15 for service	
				to the proposed conservatee and	
				parents/siblings indicates that service was	
				made on 10/12/15, which provides only 10	
				days' notice. Probate Code § 1822	
				requires 15 days' notice.	
				7. Need Letters of Conservatorship.	
				Reviewed by: JF	
				Reviewed on: 10/16/15	
				Updates:	
				Recommendation:	
				File 19 – Elensky	

Petitioner Noriega, Doreen Ann (Pro Per)

Petition for Authorization to Administer Under IAEA

DOD: 12/17/2009		DOREEN ANN NORIEGA , is petitioner and requests appointment as Executor.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA - ?	The Petition is vastly incomplete. The deficiencies with the pleadings include, but are not limited to, the following:
Cont. from		Decedent died intestate.	
<input type="checkbox"/>	Aff.Sub.Wit.	Residence: Fresno	<ol style="list-style-type: none"> Petition states decedent died intestate. Petitioner requests appointment as executor, if decedent died without a will petitioner should request appointment as administrator. #8 of the petition does not list the petitioner's relationship to the decedent. Need Affidavit of Publication. Need Notice of Petition to Administer Estate. Need proof of service of the Notice of Petition to Administer Estate on all interested parties pursuant to Probate Code §8110. #5a(1) or #5a(2) was not answered regarding a spouse. #5a(3) or #5a(4) was not answered regarding a registered domestic partner. #5a(7) or #5a(8) was not answered regarding issue of predeceased child. #2d(1), #2d(2) or #2d(3) of the petition regarding bond is incomplete. #3g is incomplete regarding whether the personal representative is a resident of California.
<input checked="" type="checkbox"/>	Verified	Publication: Need	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Estimated value of the Estate: Personal property - \$134,347.00	
<input type="checkbox"/>	Aff.Mail	Probate Referee: Rick Smith	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		<div>Reviewed by: LV</div> <div>Reviewed on: 10/16/2015</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 20 – Espinoza</div>
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

21 Ray Anthony Bermunez (CONS/P) Case No. 15CEPR00907

Petitioner Olveda, Elvia (Pro Per – Maternal Grandmother)

Petition for Appointment of Probate Conservator of the Person

Age: 19	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
	ELVIA OLVEDA , maternal grandmother, is petitioner.	
	<u>Please see petition for details.</u>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 10/16/2015
		Updates:
		Recommendation:
		File 21 – Bermunez